

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

CRÉDIT AGRICOLE CORPORATE AND  
INVESTMENT BANK d/b/a CRÉDIT  
AGRICOLE PRIVATE BANKING MIAMI,  
f/k/a CALYON S.A. d/b/a CRÉDIT  
AGRICOLE MIAMI PRIVATE BANK  
SUCCESSOR IN INTEREST TO CREDIT  
LYONNAIS S.A.,

Defendant.

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Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01670 (CGM)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support  
of Crédit Agricole Corporate and Investment Bank's d/b/a Crédit Agricole Private Banking  
Miami, f/k/a Calyon S.A. d/b/a Crédit Agricole Miami Private Bank successor in interest to

Credit Lyonnais S.A. (“Crédit Agricole Miami” or “Defendant”) Motion to Dismiss the Complaint in the above-captioned action, the Declaration of Elizabeth Vicens dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendant Credit Agricole Miami will move this Court for an order dismissing the Complaint filed by Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: July 18, 2022  
New York, New York

Respectfully submitted,

**CLEARY GOTTLIEB STEEN &  
HAMILTON LLP**

By: /s/ Elizabeth Vicens

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Investment Bank d/b/a Crédit Agricole Private  
Banking Miami, f/k/a Calyon S.A. d/b/a Crédit  
Agricole Miami Private Bank successor in  
interest to Credit Lyonnais S.A.*

TO: All Counsel of Record